

Information Disclosure Statement

The Office Action states that the article on page 2 of Form 1449 (originally filed) was not considered because the article was not received. The article is attached to this response for examiner's consideration.

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Interview on May 22, 2006-06-14

Applicant acknowledges a telephone interview of Richard Keenan and Francis Lorin, Mr. Keenan's associate, with Primary Examiner Clark Dexter held on May 22, 2006 at 4:15pm. No agreement
10 was made.

The discussion was directed to clarification of the restriction and to the rejection of the claims over Moore et al., particularly to the relationship of the upper opening with the attachment feature around the outer perimeter of the opening for attaching the bag to the underside of a table saw.

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In the Interview Summary, mailed May 31, 2006, on the Continuation Sheet for the "Continuation of Substance of Interview", examiner states how Moore meets the claimed invention. Specifically, examiner states that the claims require that the fastener is located on the outer periphery of the opening that Moore's zipper 150 is disposed on the outer periphery of the opening that is closed by
20 the zipper (corresponding to the "fastener" of applicant's claims).

However, as will be discussed in more detail under the heading regarding the claim rejections, the “fastener structure” of applicant’s originally filed claims is “capable of removable attachment to a corresponding cooperating fastener structure on the table saw”. The zipper of Moore fails to meet this recited requirement, and, therefore, does not fulfill the requirements of 35 USC 102.

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Furthermore, the structure of Moore is not capable of collecting sawdust as required in applicant’s originally filed claims, since Moore’s structure is merely a sand hopper used for dispensing into a railway locomotive’s sand pots, see Moore et al., column 2, lines 52-56 and 60-62, column 6, lines 5-45, and column 7, lines 55-63. The bag structure of Moore clearly does not meet the
10 requirements of applicant’s originally filed claims.

Restriction Requirement

The Office action cover sheet, item 4, PTOL-326, states that claims 1-17 claims are pending; this
15 corresponds with applicant’s originally filed application. Item 4a states that claims 5-12 are withdrawn and at item 6, claims 1-4 and 13-17 are rejected.

However, the restriction requirement in the Office action, paragraphs 2-3, pages 2-3, is silent regarding the status of independent claim 13. More specifically, the Office action states that
20 restriction is between Group I, claims 2-4 and 14-17, and Group II, claims 5-12, and that independent claim 1 is a “linking claim”.

Applicant believes that independent claim 13 is also a linking claim, linking the same inventive Groups I and II as does claim 1.

- 5 It is also noted that claim 13 is included in the set of claims being examined, as stated at paragraph 7, page 4 of the Office Action.

Claims: Rejections 112 102 & 103

- 10 Regarding the rejection under 35 USC 102, the Office action states (at paragraph 10) that claims 1, 2, 4, 13 and 17 are rejected as anticipated by Moore et al., US Patent No. 5873498 (hereinafter called “**Moore**”).

- 15 The features identified in the discussion on the bottom of page 5 and the top of page 6 of the Office Action, appear to correspond to the front page figure (equivalent to Fig. 11) of **Moore**. The Office action states that applicant’s recited “container” and “upper opening” features are shown by corresponding items 140 and 150.

- 20 However, it is noted that both of applicant’s originally filed independent claims 1 and 13 recite: “..wherein the upper opening of the container includes a fastener structure along the outer periphery of the opening...”. The zipper 150 of the cited reference fails to provide a fastener structure along

the **outer periphery of the opening of the container** as required by the recitation of applicant's originally filed claims; emphasis added. More particularly, as recited in applicant's originally filed claims, the fastener structure is located on the outer periphery of the container and attaches to a corresponding fastener structure on the table saw. In other words, the zipper 150 of the '498 reference lacks this feature as required in the originally filed claims 1 and 13. Also, applicant's structure lacks a top surface and lacks a zipper located in the top.

Furthermore, at the bottom of page 5, under item 10, the Office Action states that the upper opening of the container (of Moore) includes a fastener structure along the outer periphery of the opening, stating that item 154 of **Moore** shows this feature. The Office Action repeats this position again in the last paragraph of item 10, stating "wherein the upper opening of the container (of **Moore**) includes a fastener structure (e.g., 154) along the outer periphery of the opening..". However, as shown in the front page figure of **Moore**, items 154 are merely hooks that are placed along the outer periphery of the **top of the bag**, rather than along the **upper opening** of the bag are required by applicant's originally filed claims.

Moreover, the bag of **Moore** shows a top (item 148) that is clearly absent in applicant's claimed structure. Nevertheless, the amended claims clarify this lack of a top by including the restrictive phrase "consists essentially of".

In addition, applicant's originally filed claims 1 and 13 require that the closure be located in the **bottom portion** of the container. **Moore** clearly lacks this required feature.

Therefore, it appears that the '498 reference fails to meet the requirements of 35 USC 102(b) as
5 meeting each and every claimed feature.

In item 11 of the Office action, claims 3 and 14-16 are rejected under 35 USC 103 as being
unpatentable over **Moore**.

10 At the end of item 11, the Office Action states that it would have been obvious to replace the fasteners of **Moore** with hook and loop fasteners. However, since the structure of **Moore** fails to provide an upper opening with a fastener along its outer periphery as recited in applicant's originally filed claims, the structure of **Moore** cannot be modified in the manner stated in the Office Action to arrive at applicant's structure.

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Nevertheless, the claims have been amended to more clearly recite the relationship between the fastener on the outer periphery of the container and the fastener on the table saw.

Support for the claim amendments is found in the originally filed specification.

Conclusion

Applicant has hereby fully responded to Examiner's Office Action mailed February 24, 2006. In
5 view of the arguments and affidavit submitted, the applicant believes that all the objections and rejections have been overcome and therefore the non-elected claims should be rejoined with the elected claims, and the application should be allowed.

Respectfully submitted,



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